



FEB 02 1994

HR-8J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Vincent Atriano, Esq.  
Squire, Sanders & Dempsey  
Counsellors at Law  
Huntington Center  
41 South High Street  
Columbus, Ohio 43215

Re: Consent Agreement and Final Order  
Granville Solvents, Inc.  
OHD 004 495 412  
Docket No.: V-W-89-R-01

Dear Mr. Atriano:

This is to acknowledge receipt of the Consent Agreement and Final Order  
signed by Mr. John Reeb for and on behalf of Granville Solvents, Inc.

A fully executed copy of the Consent Agreement and Final Order is enclosed.

Your cooperation in this matter is appreciated.

Sincerely yours,

Original Signed by  
**Norman R. Niedergang**

Norman R. Niedergang  
Associate Division Director  
Office of RCRA

Enclosure

cc: Kendra Sherman, Squire, Sanders & Dempsey, (w/encl.)  
Mike Savage, OEPA CO, (w/encl.)  
Lundy Adelsberger, OEPA CDO DHWM, (w/encl.)  
Retanio Rucker, OAG, (w/encl.)  
Fred Myers, OEPA CDO DERR, (w/encl.)

bcc: Anita Perry, HRE-8J (w/encl.)  
Mike Anastasio, CS-3T (w/encl.) ✓  
Regional Hearing Clerk, MFA-10J (w/encl.)  
Chris Moraga, HR-8J (w/encl.)  
Harriet Croke, HRP-8J (w/encl.)  
Uylaine McMahan, HRE-8J (w/encl.)  
Kathleen Warren, HSRM-6J (w/encl.)  
Jeanne Griffin, HSE-5J (w/encl.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

Granville Solvents, Inc.  
Palmer Lane  
Granville, Ohio 43023

EPA ID No.: OHD 004 495 412

DOCKET NO. V-W-89-R-01

## CONSENT AGREEMENT AND FINAL ORDER

## PREAMBLE

On October 27, 1989, an Amended Complaint was filed in this matter pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA") as amended, 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant was the Division Director, Waste Management Division, Region 5, United States Environmental Protection Agency ("U.S. EPA"). The Respondent was Granville Solvents, Inc.

## STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Amended Complaint, Findings of Violation and Compliance Order (Docket No. V-W-89-R-01) in this matter.
2. Respondent owned and/or operated a facility located at Palmer Lane, Granville, Ohio 43023 (the "facility").
3. Respondent admits the jurisdictional allegations contained in the Amended Complaint.

4. Respondent neither admits nor denies the specific factual allegations contained in the Amended Complaint other than admissions made in Respondent's Answer and the stipulations herein.

5. The State of Ohio, through the Ohio Environmental Protection Agency ("OEPA") and the Ohio Attorney General's Office ("OAG"), initiated and maintained judicial and administrative actions (i.e., State of Ohio, ex rel. Fisher v. Granville Solvents, Inc., et al, Case No. 86 L 81566, in the Court of Common Pleas, Licking County, Ohio and In the Matter of: Granville Solvents, Inc., Case No. 89-HW-081, before the Ohio Environmental Protection Agency) against Respondent until March 19, 1993, and March 8, 1993, respectively, at which times the State of Ohio, in the judicial action, voluntarily dismissed without prejudice its action against Respondent and, in the administrative action, entered a settlement agreement whereby, inter alia, the State of Ohio reserved all rights of the State of Ohio to require Respondent to perform measures at the facility consistent with applicable Federal and/or State law which the State of Ohio may deem necessary, and the Respondent was not required to pay a penalty or fund cleanup activities at the facility.

6. By October 11, 1991, the State of Ohio completed removal activities at the facility, including removal and subsequent disposal of all containers and associated contents and all storage tanks and associated contents.

7. On March 1, 1993, the State of Ohio informed Respondent by letter that OEPA has referred the facility from its Division of

Hazardous Waste Management to its Division of Emergency and Remedial Response for a site specific clean-up and cost recovery action.

8. Respondent has contended, continues to contend, and certifies that Respondent is financially unable to fund closure or any further activities or matters at or concerning the facility including the payment of the civil penalty.

9. Respondent certifies that in Mr. John Reeb's response dated July 27, 1993, Mr. John Reeb answered fully, completely and truthfully all requests for information set forth in the Information Request issued by U.S. EPA on June 23, 1993.

10. Respondent explicitly waives its right to a hearing on the allegations contained in the Amended Complaint.

11. Should the Respondent fail to comply with any provision contained in the subsequent Final Order, Respondent waives any and all rights Respondent may possess in law or equity to challenge the authority of U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the Final Order set forth below and/or to seek a penalty for the non-compliance.

12. Respondent consents to the issuance of this Consent Agreement and Final Order.

13. Except as expressly otherwise provided in the covenant not to sue set forth below, U.S. EPA unconditionally reserves any and all rights to bring, pursue and satisfy any and all legal and/or equitable claims and/or actions against Respondent, including but not limited to any action pursuant to RCRA, as amended, 42 U.S.C. §6901

et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., and Federal regulations and State and local laws adopted in accordance with RCRA and CERCLA, in relation to the facility or any other facility; and, Respondent consents to the aforementioned reservation of rights.

14. On June 30, 1989, the State of Ohio was granted final authorization by the Administrator of U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. §6928, provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

15. This Consent Agreement and Final Order shall become effective on the date it is signed by the U.S. EPA Waste Management Division Director.

#### FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

A. Respondent shall, immediately upon the effective date of this Consent Agreement and Final Order, cease all treatment, storage or disposal of any hazardous waste except such treatment, storage or disposal in full compliance with any and all applicable and/or relevant laws.

Failure to comply with any requirement of this Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE

THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms of the Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA, Section 3008(c).

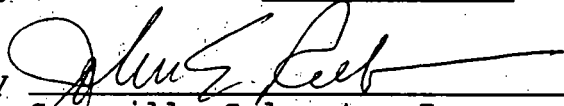
This Final Order constitutes a settlement and disposition of the Amended Complaint filed in this case and stipulations herein before cited. Plaintiff covenants not to sue Granville Solvents, Inc. for any further civil liability or penalties for matters covered in the Complaint or the Amended Complaint, as long as Granville Solvents, Inc. is in compliance with the Final Order.

Except as expressly otherwise provided in the covenant not to sue set forth above, U.S. EPA unconditionally reserves any and all rights to bring, pursue and satisfy any and all legal and/or equitable claims and/or actions against Respondent, including but not limited to any action pursuant to RCRA, as amended, 42 U.S.C. §6901 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., and Federal regulations and State and local laws adopted in accordance with RCRA and CERCLA, in relation to the facility or any other facility.

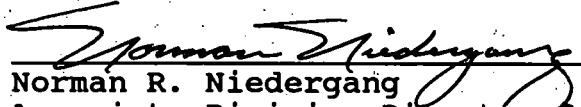
SIGNATORIES

Each undersigned representative of a party to this Consent Agreement and Final Order consisting of six pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 17th day of January, 1994.

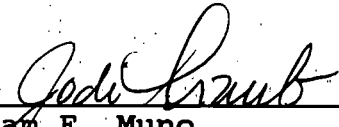
By   
Granville Solvents, Inc.  
Respondent  
Title President, Granville Solvents, Inc.

Agreed this 2nd day of February, 1994.

By   
Norman R. Niedergang  
Associate Division Director for RCRA  
Waste Management Division  
U.S. Environmental Protection Agency  
Region 5, Complainant

The above agreed and consented to, it is so ordered

this second day of February, 1994.

  
William E. Muno  
Director  
Waste Management Division  
U.S. Environmental Protection Agency  
Region 5

IN THE MATTER OF:  
Granville Solvents, Inc.  
Palmer Lane  
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